IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

WP(C).No. 32352 of 2006(B)

PETITIONER:

C.SREERAJ,
CHOTTIYIL HOUSE, ELATHUR, KOZHIKODE.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:

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1. THE REGIONAL TRNSPORT OFFICER,
KOZHIKODE.

2. THE DEPUTY TRANSPORT COMMISSIONER,
NORTH ZONE, KOZHIKODE.

3. THE DEPUTY TAHSILDAR (R.R),
KOZHIKODE.

4. THE VILLAGE OFFICER,
ELATHUR.

BY GOVERNMENT PLEADER SRI.SOJAN JAMES

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J

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W.P.(C) No.32352 Of 2006

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Dated this the 6th day of December, 2006.

J U D G M E N T

The petitioner challenges Ext.P4 notice issued under Section 7 of the Revenue Recovery Act, contending that pursuant to Ext.P3, his appeal against assessment of Motor Vehicle Tax has been heard by the Deputy Transport Commissioner. That itself is no ground, because Ext.P4 was issued even before Ext.P3 and the petitioner could have sought for stay from the appellate authority. Having heard learned counsel for the petitioner and learned Government Pleader, it is directed that if petitioner remits an amount of Rs.50,000/- within a period of three weeks, distress action on the basis of Ext.P4 will stand deferred till final disposal of the aforesaid appeal. Any such payment will be liable to be adjusted on the basis of the decision on the appeal, but if no such deposit is made, recovery shall be forthwith enforced.

Petitioner is directed to produce a copy of this judgment before the Deputy Transport Commissioner. It is further directed that, if the amount as aforesaid is deposited, the Deputy Transport Commissioner will dispose of the appeal of the petitioner within a period of two months from the date of receipt of copy of the judgment.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

sj